



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: AKIMOTO=4

In re Application of:  
Hiromichi AKIMOTO et al

) Conf. No.: 2427

) Art Unit: 3749<sup>3</sup>

Appln. No.: 10/035,421

) Examiner: A.M. Ragonese

Filed: January 4, 2002

) Washington, D.C.

For: APPARATUS FOR  
FREEZE-DRYING FOODSTUFFS...

) January 28, 2004

#11 AF/3749 \$  
Q/m

**RECEIVED**

FEB 02 2004

TECHNOLOGY CENTER R3700

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated August 29, 2003, of the Primary Examiner. The claims appealed are claims 9-16.

The item(s) checked below are appropriate:

XXX Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

       \$330.00

XXX \$165.00 (small entity)

       Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within

[ ] First - \$ 55.00

[xx] Second - \$210.00

[ ] Third - \$475.00

[ ] Fourth - \$740.00

month after time period set

[ ] Less fees (\$ \_\_\_\_\_) already paid for \_\_ months extension of time on \_\_.

Other Than Small Entity  
Response Filed Within

[ ] First - \$ 110.00

[ ] Second - \$ 420.00

[ ] Third - \$ 950.00

[ ] Fourth - \$1480.00

month after time period set

A check in the amount of \$ \_\_\_\_\_ is attached. (Check No. \_\_\_\_\_)

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 375.00

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

01/29/2004 CNGUYEN 00000124 10035421

01 FC:2401  
02 FC:2252

165.00 OP  
210.00 OP

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
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